

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INS. CO, ET AL.,
Plaintiffs

CIVIL ACTION NO. 03-12501-DPW

v.

ABBOT LABORATORIES,
Defendant

SCHEDULING ORDER

WOODLOCK, D.J.

This Order is intended primarily to aid and assist counsel in scheduling and planning the preparation and presentation of cases, thereby insuring the effective, speedy and fair disposition of cases, either by settlement or trial.

The above-entitled action having been heard on March 30, 2004, it is hereby ORDERED pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(F), that:

- (1) discovery is limited to the declaratory judgment as presently framed, and the contract interpretation issues [i.e. whether or not the termination of Plaintiff's obligations as a result of shortfalls in aggregate spending targets is well-founded]. Other disputes, when ripe, may be raised in a separate related action. Discovery on these issues shall be completed by **JULY 30, 2004;**
- (2) No expert discovery is contemplated on the contract interpretation issues.
- (3) Cross motions for summary judgment are to be filed by **SEPTEMBER 17, 2004**, after completion of the necessary discovery and responses are to be filed within fourteen (14) calendar days thereafter pursuant to Local Rule 7.1 and all filings must conform to the requirements of Local Rule 56.1; No replies permitted.
- (4) **ELECTRONIC FILING:** All future submissions in this case are subject to electronic filing and all counsel who choose to appear must make arrangements to register for participation in electronic case filing, if they have not already done so. In addition

to electronically filing any pleading, counsel shall also file all submissions relating to dispositive matters with the Court in hard copy, clearly marked "**Courtesy Copy - Do Not Scan**" on the cover page of each pleading/submission. Notices, orders and memoranda of the Court will only be filed and served electronically.

- (5) A further scheduling/status conference is set for **OCTOBER 14, 2004 AT 2:30 P.M.** in Courtroom 1 on the 3rd floor before Hon. Douglas P. Woodlock, U.S.D.J. By **OCTOBER 7, 2004**, the parties shall file a STATUS REPORT indicating the current status of the case, including discovery proceedings, settlement discussions, pending or contemplated motions, proposed dates for pretrial conferences and for trial, and any other matters which should be addressed at the further conference.

All provisions and deadlines contained in this order having been established with the participation of the parties to this case, any requests for modification must be presented to the judge or magistrate judge, if referred for case management proceedings. Any requests for extension will be granted only for good cause shown supported by affidavits, other evidentiary materials, or reference to pertinent portions of the record. The request shall be made by motion and shall contain the reasons for the request, a summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery, join other parties, amend the pleadings or file motions. The Court may then enter a final scheduling order, if necessary.

Counsel are encouraged to seek an early resolution of this matter. Additional case management conferences may be scheduled by the court or upon the request of counsel, if the Court can be of assistance in resolving preliminary issues or in settlement.

By the Court,

/s/ Rebecca Greenberg
Deputy Clerk

DATED: March 30, 2004